

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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May 10, 2021

**BY ECF**

Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

**Re: United States v. Delowar Hossain  
(S1) 19 Cr. 606 (SHS)**

Dear Judge Stein:

We write with respect to the Court's Order dated March 19, 2021 regarding a trial date in the above-captioned case. Dkt. No. 97.

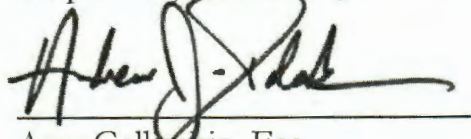
The parties understand that a firm third-quarter trial date in the above-captioned case is subject to the discretion of the Court's Ad Hoc Committee on the Resumption of Jury Trials. With that understanding, the defense respectfully implores the Court to modify its request to the Ad Hoc Committee for this trial to begin on August 16, 2021.

One member of Hossain's defense team has an August 9, 2021 tentative trial date for a client who is currently detained at MCC New York. Thus, should the Ad Hoc Committee select August 9 and August 16, 2021 as firm dates for both cases, it would interfere with undersigned counsel's ability to try this case. The defense avers that a mid-September or later trial date would adequately address this concern, and respectfully requests that the Court amend its submission to the Ad Hoc Committee from August 16, 2021 to September 13, 2021 or later. In addition, the defense submits that its acquisition of data related to a possible fair cross-section challenge to the petit venire under the Sixth Amendment and Jury Selection and Service Act would be more straightforward and less likely to be a cause for delay if Hossain's trial were rescheduled for some time after September 1, 2021, the date by which the SDNY's

Master Jury Wheel must be fully replenished in accordance with the District's existing plan. See Article III(B), Amended Plan for the Random Selection of Grand and Petit Jurors, M-10-468 (S.D.N.Y.), available at: [https://www.nysd.uscourts.gov/sites/default/files/pdf/juryplan\\_feb\\_2009.pdf](https://www.nysd.uscourts.gov/sites/default/files/pdf/juryplan_feb_2009.pdf).

The government does not object to this request. The defense also consents to the exclusion of any additional period of delay beyond August 16, 2021 under 18 U.S.C. § 3161(h)(7)(A) because Hossain's interest in such a delay (to further prepare for trial with present counsel of record) outweighs any competing speedy-trial interests.

Respectfully Submitted,



Amy Galluccio, Esq.

Andrew J. Dalack, Esq.

Assistant Federal Defenders

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Cc: Government Counsel

May 10, 2021  
Request denied. Final trial dates will be set by  
the Trial Mgt Committee in mid-June  
So ordered.  
Fitch H. Stein  
USDS